

BOARD OF SELECTMEN – JANUARY 23, 2012

I. Call to Order/Roll Call

Chairman Brian Major called the Regular meeting of the Board of Selectmen to order at 7:00 P.M. in the Selectmen's Conference Room at the Town Offices. Present were: Roll Call – Chairman Major – Y and Selectmen Ted Teichert – Y, Alex Vispoli – Y, Paul Salafia – Y and Mary Lyman – Y. Also present Town Manager Buzz Stapczynski and Town Clerk Larry Murphy. The meeting was duly posted and cable-cast live.

II. Opening Ceremonies

Chairman Major asked for a Moment of Silence followed by the Pledge of Allegiance led by Conservation Director Bob Douglas's two daughters.

III. Communications/Announcements/Liaison Reports

The Town Manager made the following announcements:

~the MMA Annual Meeting was held this past weekend and the Lt. Governor informed them to expect the same level of Local Aid funding as last year. The Town Manager's Annual Budget for FY-13 will be out on Friday, February 3rd. Copies will be sent to the Board on February 3rd and he will make a Budget presentation at their meeting on February 6th. The Board should advise him if they have budget development idea items.

~Town Clerk Larry Murphy announced that Friday, January 27th at 4:30 P.M. is the deadline for submitting Warrant Articles for the Annual Town Meeting. He also announced that the Annual Election will be held on Tuesday, March 27th with February 7th as the deadline for nomination papers and February 15th the last day to register to vote in the March 6th Presidential Primary.

~Selectman Lyman said the speakers at the Merrimack Valley Chamber Breakfast talked about streamlining the permitting process to encourage growth of business and hopes Andover will consider doing this. She also announced that the Franciscan Center Overlay Committee will meet at 6:30 P.M. on Thursday, January 26th in the Selectmen's Conference Room. The Commission on Disability needs more volunteers. Anyone interested in serving should contact herself, the Town Manager, or any member of the Commission. She also stated she has received many emails from employees with questions on the health care changes. No decision has been made and questions should be referred to their union representatives or Human Resources.

~Selectman Lyman and Chairman Major will be meeting with Town Accountant Rod Smith to develop SMART Goals. Please mail all ideas to either Brian or Mary.

~Selectman Vispoli attended the briefing on the Ballardvale Substation at the January 18th School Committee special meeting which was well attended. He also stated that a letter from Congresswoman Niki Tsongas regarding the progress of the I-93 Interchange will be sent to Transportation Secretary Ray LaHood. Congresswoman Tsongas has been invited to attend one of our Board meetings in February to talk about the issues and the status of the funding for the I-93 project.

~Selectman Vispoli, who also attended the MMA conference and workshops, said there was a lot of conversation about revenue projections and health insurance changes. More than one hundred communities have moved forward to accept the changes provided by the Health Insurance Reform Bill. Applications have been submitted from one hundred communities for the Innovation Grant (Andover submitted two proposals) and the

names of the recipients of the grant will be released in February. There was a discussion on funding OPEB with administrators forming a committee to review the issue of how to reduce the impact of this liability.

~Selectman Salafia reported that the Economic Development Commission met in preparation of reviewing the names submitted for this commission. The League of Women Voters held a forum on running for office in conjunction with the Andover and North Andover Town Clerk Offices which will be replayed on the Andover Cable TV station.

~Selectman Teichert announced that the Community Services Winter/Spring Catalog has been released including a section on Summer programs for kids. Residents can sign up on line by going to the Andover website www.andoverma.gov/DCS.

~Chairman Major attended the Chamber of Commerce Breakfast at Salvatore's in Lawrence. Congresswoman Tsongas attended and the topic of discussion was energy conservation. The Health Insurance effort to give local government greater authority was the primary issue of conversation at the MMA Annual Conference this past weekend.

~Chairman Major also reported that the Chairs of the three boards (Selectmen, Finance Committee & School Committee) met with the Town Manager and Superintendent of Schools to discuss moving the budget matrix forward. The three chairs would like to form two subcommittees – a health insurance subcommittee and a subcommittee to study exempt debt to look at the impact of future borrowing. One representative from each of the three boards would volunteer for each subcommittee.

IV. Citizens Petitions and Presentations

Mary Carbone, 3 Cyr Circle, requested that the Town Yard Task Force meet at an alternative time rather than 7:30 A.M. Selectman Salafia said the Selectmen have no control over when the Task Force meetings are held.

V. Regular Business of the Board

A. Shawsheen River Dam Removal Project

Project Consultant Tom Ardito gave a presentation on the removal of the dam in front of the Balmoral Condominiums. The goal is to restore and improve the eco-system and increase recreational use of the river. The feasibility study of the dam has been completed. Mr. Ardito noted that removal of the dam will not worsen any of the flooding problems. Removal of the dam will restore migrating fish and improve the quality of the water. They are requesting that the Town proceed with two administrative undertakings: to consent to taking the Balmoral Dam construction easement and to serve as applicants for the dam removal. Next steps include the administrative undertaking, beginning the permitting process in the Spring, completing the final design and engineering study with the goal to remove two dams in 2013-2014 if funds are available.

Questions from the Board:

~How long will the actual construction take?

Less than six months

~Will they notify the Soccer Association on the loss of the use of the soccer field?

Yes

~What will this cost?

Approximately \$200,000-\$300,000 for the Balmoral Dam and \$300,000 – \$400,000 for the Stevens Street Dam

~Where will the funds come from?

State and Federal Grants, private funds and other funding sources.

~Who will submit the Warrant Article?

The Warrant Articles are sponsored by the Conservation Commission and they are asking for a recommendation of approval from the Board.

~Is there any opposition or concerns?

There has not been any opposition or concerns – the dam is seen as a liability. The Balmoral Condominium Board voted unanimously to approve the removal of the dam and they will be notifying the Preservation Commission.

Comments from the audience:

~Patrice Minton, 8 Ferndale Avenue, thinks it is a great idea to remove the dams to provide more recreational use of the river.

~Steve Gross, 26 Burnham Road said the restoration of the river will improve fishing.

~Bob Rossio of the Shawsheen Water Association, encouraged the removal of the dam for safety reasons.

~Mary Carbone asked if the owners of the dams will be relinquishing responsibility. Yes

Chairman Major asked if a motion is needed on the two warrant articles tonight. No.

The Town Manager questioned if the warrant articles should be held until the grant funds are received. From their perspective, Tom Ardito said it would be beneficial to have formal approval on behalf of the Town.

B. Andover Youth Center Grant Agreement

The Board reviewed the final Andover Youth Center Grant Agreement to determine if there are any ongoing questions or comments before the Agreement is signed at the February 6th Board meeting. Selectman Salafia would like to have a final copy of the Agreement in this week's Board packet and to include the plans for the second floor showing the approximate number of rooms and offices.

Diane Costagliola, Chair of the Andover Youth Foundation, asked about the necessity of this request since the design was always conceptual. The Town Manager said the plan is meant to be a guide as part of the mission. Attorney Urbelis said it provides a synopsis of what the building is intended to look like. Andrea Zaimis, Vice Chair of the Andover Youth Foundation, asked if budget constraints don't allow the completion of the second floor will they be held to the approximate design of the second floor? Attorney Urbelis said the design is not cast in stone – it is just a starting point for the discussion. In 2007, the original design called for 36,000 sq. ft. and has since been decreased to 20,000 sq. ft. The objective, as explained by Diane Costagliola, was to scale back the project. The footprint fits nicely in the designated location and she trusts that the parameters put into place by the Town Manager will be respected.

The Town Manager was asked to define the scope of the liaisons. He reported the scope of the liaisons is defined on page 5 of the Agreement and the Building Committee will have two liaisons (Diane Costagliola and Bill Fahey) who are not members of the Building Committees nor do they have voting rights. They will receive notices and minutes of the meetings and can participate but not vote. This is similar to how other building agreements are set up. Diane and Bill will be the resident experts. Diane Costagliola said the Foundation is comfortable with putting their trust in the Building Committee. An overview of the Youth Center will be provided at the February 6th meeting when the agreement is signed.

C. Open Meeting Law – Remote Participation – Continued Discussion

The Board continued the discussion from the previous meeting on a new provision in the Open Meeting Law authorizing the use of remote participation by committee/board members. Chief Information Officer Paul Puzzanghera was present to respond to questions about other technology alternatives to consider and provide the cost of the alternatives. The public body conducting the remote participation decides what medium to use and the regulations state the Town has to fund the technology requirements and the remote participant has to be able to hear attendees at the meeting. Town Clerk Larry Murphy said the Board has two functions to consider – one is to authorize the remote participation as a concept and the other is to determine the amount and source. The vote of the Board can be rescinded at any time.

Selectman Salafia motioned to allow remote participation by members of all local public bodies of the Town of Andover in accordance with the requirements of M.G.L. Chapter 30A and 940 Code of Massachusetts Regulations 29.10 and further that funding associated be zero dollars. The motion was seconded by Selectman Vispoli and voted 5-0 to approve.

D. Future Meeting Dates

The Board set the following meeting dates for February and March:

Regular Meetings: February 6th and 27th and March 12th and 26th
Joint Meetings: February 8th, 13th, 15th and 29th and March 5th, 14th and 19th (if needed)
Tri-Board Meeting: March 7th

E. Presidential Primary Election Warrant

On a motion by Selectman Lyman and seconded by Selectman Teichert, the Board voted 5-0 to sign the Presidential Primary Election Warrant to be held on Tuesday, March 6, 2012.

VI. Consent Agenda

A. Amateur Boxing Night

Selectman Teichert motioned to approve the request of Christine Lewis, on behalf of the Exchange Club of Lawrence, Post Office Box 552, Lawrence, MA, for a license waiver under MGL Chapter 101, Section 12A to conduct a night of amateur boxing at the Wyndham Andover Hotel, 123 River Road, Andover, on Friday, April 13, 2012 from 7:00 P.M. to 11:00 P.M. The event has been sanctioned by the State Boxing Commission. The request has been discussed and unanimously voted to approve.

B. Appointments and Re-appointments

Selectman Vispoli motioned to approve the following appointments as recommended by the Town Manager and as printed in the agenda. The motion was seconded by Selectman Lyman and voted 5-0 to approve.

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>POLICE DEPARTMENT</u>			
Benjamin T. Ledwell	Patrolman (v. D. Nazzaro)	P500-3-0/\$51,425	1/22/12

Richard A. Crimmins	Patrolman (v. T. Siopes)	P500-1-0/\$46,781	1/22/12
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John D'Ambrosio	Patrolman (v. B. Connolly)	P500-1-0/\$46,781	1/22/12
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COUNCIL ON AGING – Term expires 6/30/14
M. Louise Ordman (v. E. Kearns)

HOUSING PARTNERSHIP/FAIR HOUSING COMMITTEE – Term expires 6/30/14
Kevin M. Cuff (v. W. English)

VII. Approval of Minutes from Previous Meetings

On a motion by Selectman Lyman with a second by Selectman Salafia, it was voted 5-0 to approve the Regular Meeting Minutes of January 9, 2012 as presented.

VIII. Adjournment

On a motion by Selectman Salafia with a second by Selectman Lyman, it was unanimously voted to adjourn the Regular Meeting of January 23, 2012 at 9:00 P.M.

Respectfully submitted,

Dee DeLorenzo, Recorder

Documents: Memo from Paul Puzzanghera on Remote Participation Technology
Presidential Primary Election Primary Polling Precincts from
Board of Selectmen Minutes of January 9, 2012